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16 Attorneys for Defendants Magna-RX, Inc.  
17 and Steve Moidel

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 DAN BOBBA and CHRIS RHODES, individually, | Case No. CV 10 1601 EDL  
21 and on behalf of all others similarly situated,

22 Plaintiff,

23 **NOTICE OF THE VIDEOTAPED  
24 DEPOSITION OF DAN BOBBA**

25 v.

26 MAGNA, INC.; STEVE MOIDEL; NEP  
27 PRODUCTS, INC.; ARAGON PRODUCTS;  
ALLNUTRI.COM; VITASPRINGS.COM;  
1BODY4U.COM; BUYVIVAXA.NET;  
MAGNARSPILLS.COM; and DOES 1-250,  
Inclusive,

28 Defendants.

29 **NOTICE OF DEPOSITION AND REQUEST FOR PRODUCTION OF DOCUMENTS  
30 AT DEPOSITION**

31 TO: PLAINTIFF AND HER/HIS ATTORNEY OF RECORD:

32 NOTICE IS HEREBY GIVEN that Defendants Magna-RX, Inc. and Steve Moidel will take  
33 the deposition of Plaintiff Dan Bobba on August 26, 2010 at 10:00 a.m., at the offices of West Coast  
34 Reporters, located at 117 Paul Drive, Ste. A, San Rafeal, California 94903, (415) 472-2361.

35 Said oral deposition shall be taken before a duly authorized notary public or other officer  
36 authorized to administer oaths in the state of California, and shall continue from day to day,  
37 excluding Saturdays, Sundays and holidays, until completed.

1 Please note that the deposition will commence promptly at the scheduled time. Should  
2 preparation of the deponent be necessary this shall be done PRIOR to the time scheduled for the  
3 deposition. It is the responsibility of Defendants' counsel to notify the Plaintiff of the date, time and  
4 location of the deposition.

5 This deposition will also be video recorded as provided by Rule 30(b)(3), Federal Rules of  
6 Civil Procedure.

7 NOTICE IS FURTHER GIVEN that the deponent is required to produce at the time and place  
8 set forth above, the writings, records, documents and other items listed in **Exhibit "A"** which is  
9 attached hereto.

10 **IF AN INTERPRETER IS REQUIRED TO TRANSLATE TESTIMONY, NOTICE OF  
SAME MUST BE GIVEN WITHIN TEN (10) DAYS BEFORE DEPOSITION DATE AND  
NOTICE OF THE SPECIFIC LANGUAGE AND/OR DIALECT NECESSARY TO  
CONDUCT THE TRANSLATION MUST BE GIVEN.**

11 DATED this 5<sup>th</sup> day of August, 2010.

12 AIKEN SCHENK HAWKINS & RICCIARDI P.C.

13 By /s/Joseph A. Schenk

14 Joseph A. Schenk  
15 André H. Merrett  
16 4742 North 24<sup>th</sup> Street, Suite 100  
17 Phoenix, Arizona 85016  
18 Attorneys for Defendants Magna-RX, Inc. and  
Steve Moidel

19 VARNER & BRANDT LLP

20 **Keith A. Kelly**  
21 Attorneys for Magna-RX, Inc. and  
Steve Moidel

1 **FELIPE MORALES v. MAGNA, INC., et al.**

2 **Case No. CV10 1601 EDL**

3 **CERTIFICATE OF SERVICE**

4 I am employed in Maricopa County, State of Arizona; I am over the age of 18 years and not a  
5 party to the within action; my business address is 4742 N. 24<sup>th</sup> Street, Suite 100, Phoenix, Arizona  
6 85016.

7 On the below date, I electronically filed the NOTICE OF THE VIDEOTAPED  
8 DEPOSITION OF DAN BOBBA with the Clerk of the United States District Court for the  
9 Southern District of California, using the CM/ECF System. The Court's CM/ECF System  
10 will send an email notification of the foregoing filing to the following parties and counsel of  
11 record who are registered with the Court's CM/ECF System:

12 Scott J. Ferrell  
13 Michael Velarde  
14 Newport Trial Group  
15 Newport Center Drive, Suite 700  
16 Newport Beach, CA 92660  
17 Attorneys for Plaintiff  
[sferrell@calljensen.com](mailto:sferrell@calljensen.com)

18 **BY ELECTRONIC SERVICE VIA CM/ECF SYSTEM**

19 In accordance with the electronic filing procedures of this Court, service has been  
20 effected on the aforesaid party(s) below, whose counsel of record is a registered participant  
21 of CM/ECF, via electronic service through the CM/ECF System.

22 [X] (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct,  
23 and that I am employed at the office of a member of the bar of this Court at whose  
24 direction the service was made.

25 Executed on 5<sup>th</sup> day of August, 2010 at Phoenix, Arizona.

26  
27  
28 /s/ Lynn M. Acosta  
29 Lynn M. Acosta

30 S:\MagnaRX\2523803-Morales\Pleadings\NOD-Bobba.DOC

**EXHIBIT "A"**

You are further notified that the deponent, who is a party to this action, is required to produce for inspection and copying the following documents and items at said deposition:

1. All documents or items of physical evidence either generated or received by Plaintiff in connection with each transaction in which he purchased Magna RX+, including order forms, receipts, invoices, product packaging, or product inserts.
  2. Copies or print outs of all advertisements for Magna RX+ viewed and relied upon by Plaintiff prior to his first purchase of Magna RX+.
  3. All communications, whether written or electronic, either sent or received by Plaintiff which refer or relate to Magna RX+ or Magna-RX, Inc.
  4. Any communications between Plaintiff and any other party (other than Plaintiff's counsel) referring or relating to the subject matter of this lawsuit.
  5. A list of any other lawsuits to which the Plaintiff has been a party.